

REMARKS/ARGUMENT

I. STATUS OF THE PENDING CLAIMS

Upon entry of this amendment, claims 1-20 are pending. Claims 1, 3-8, 10-11, 13-14, 18 and 20 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 5,414,494 to Aikens et al. ("Aikens"). Claims 2, 9, 12, 15-17 and 19 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Aikens in view of U.S. Patent No. 6,731,937 to Spinner ("Spinner").

In his previous rejection, dated January 20, 2006, the Examiner relied on the combination of Aikens and U.S. Patent No. 6,567,502 to Zellner ("Zellner") to reject claims 1, 3-8, 10-11, 13-14, 18 and 20, improperly, under 35 U.S.C. § 102(e). Specifically, the examiner had argued that Aikens did not explicitly disclose a processor as claimed in the application. He explicitly relied on Zellner in rejecting claims 8, 11 and 18. In the current rejection, however, the examiner has removed Zellner as a reference yet continues to make the same rejection, now alleging that Aikens discloses the features the examiner previously relied on Zellner to reject. Furthermore, the examiner has not commented on Applicants' previously filed arguments and amendments.

II. REJECTIONS UNDER 35 U.S.C. § 102(b)

Claims 1, 3-8, 10-11, 13-14, 18 and 20 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Aikens.

A rejection of claims under 35 U.S.C. § 102(b) requires a showing that each and every claim limitation be identically disclosed in a single prior art reference, either expressly or under the principles of inherency. See Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984). If even one claim limitation is not described in the reference, the claim is patentable over the reference.

Aikens, which is cited for allegedly disclosing the limitations of claim 1, does not disclose, amongst other claimed features, (1) a control device for providing multimedia monitoring, (2) a processor for processing control data and for processing multimedia information regarding a monitored status of a remote machine or (3) a multimedia connection coupled to a processor providing a multimedia transmission connection to the remote machine

and transmitting said multimedia information regarding a monitored status of the remote machine.

The Examiner alleges that Aikens teaches a means for providing multimedia monitoring and control of a remote machine. Aikens, however, says nothing about using a processor for processing control data and multimedia information. Aikens discloses use of a computer, but that computer performs none of the functions as claimed and described above. Aikens, at best, purportedly discloses a machine that sends data from the machine to a remote host. (See Aikens, at col. 6, lines 8-11, 20-23; col. 7, lines 4-13; col. 10, lines 49-55.). Once the remote machine has received information, a visual or audio indicator, such as a blinking light or an audio alarm, can allegedly be activated to alert the operator at the remote receiving station. (See Aikens, at col. 10, lines 1-3.) This, however, does not teach or even suggest a multimedia transmission connection for transmitting *multimedia information* as claimed and described in the application.

At most, Aikens purportedly transmits "crash data", which is a record of the machine state at the time of the crash for use in diagnosing or servicing the machine and must, at some point, be converted into a format suitable for presentation to a remote monitor. In contrast, the claimed invention transmits multimedia data in real time via a telecommunications apparatus such that the remote technician may observe the automated machine online and is not dependent on the descriptions of a user.

For these reasons, claim 1 and claims 3-8 and 10, which depend from it, are submitted to distinguish patentably over the cited art.

Claim 11 recites, amongst other limitations, providing multimedia monitoring using a control device coupled to a processor, processing information generated by a monitored remote machine, generating multimedia information regarding a monitored status of the remote machine and providing a multimedia connection coupled to a processor providing a multimedia transmission connection to the monitored remote machine and transmitting the multimedia information. As stated above, Aikens does not disclose any of these claimed features.

For these reasons, as well as the reasons set forth above, claim 11, as well as claims 3, 13-14, 18 and 20, which depend from it, are submitted to distinguish patentably over the art of record.

III. REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 2, 9, 12, 15-17 and 19 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Aikens in view of Spinner.

Claims 2 and 9 depend from claim 1 and are submitted to be patentable for the same reasons set forth above. Claims 12, 15-17 and 19 depend from claim 11 and are similarly submitted to recite patentable subject matter.

Moreover, the combination of the applied references is respectfully submitted to be improper. Aikens is purportedly directed to the automatic notification of machine malfunctions or other conditions to remote stations. Spinner, for its part, allegedly discloses a processor that enables a UMTS connection. The Examiner further alleges that it would be obvious to one of ordinary skill in the art to combine the UMTS connection with an Aikens processor that transfers automatic notification data.

Applicants respectfully disagree with Examiner's contention that Aikens and Spinner are analogous. Spinner has nothing to do with machine malfunctions and the automatic notifications of such events. Rather, Spinner relates to a telecommunication network and an apparatus and method for optimizing the resources of said network when facilitating calls between subscriber stations.

Moreover, the alleged flexibility to be provided by Spinner is irrelevant, because there is no basis for asserting that a worker in the field of machine control – even if flexibility were his explicit goal – would have no basis to troll through an unrelated art to find Spinner, without the benefit of the guidance provided by the pending application.

Even assuming, without conceding, there were any motivation to combine the disclosure of Aikens and Spinner, that the two were combined, the claims still would not disclose all of the claimed features such as an ability to transmit multimedia information.

Therefore, Applicants respectfully submit that claims 1-20 are patentable over Aiken.

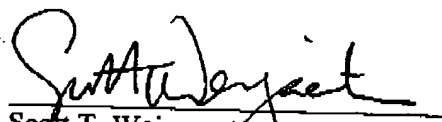
CONCLUSION

Upon entry of this Amendment, claims 1-20 are pending in the application. Applicants submit that the claims, for the reasons set forth above, are in condition for allowance. Reconsideration and allowance are therefore respectfully requested.

The Commissioner is authorized to charge any required fee to Deposit Account No. 23-1703.

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Respectfully submitted,



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